



Local Law Enforcement Hate Crime Prevention Act of 2009

Support legislation to strengthen existing federal hate crime laws

House Sponsors:

Rep. Conyers (D-MI)
Rep. Kirk (R-IL)
Rep. Frank (D-MA)
Rep. Biggert (R-IL)
Rep. Baldwin (D-WI)
Rep. Ros-Lehtinen (R-FL)
Rep. Nadler (D-NY)
Rep. Bono Mack (R-CA)
Rep. Polis (D-CO)

Senate Sponsor:

Sen. Kennedy (D-MA)

BACKGROUND

This legislation would strengthen existing federal hate crime laws in two ways:

1. The bill would eliminate a serious limitation on federal involvement under existing law – the requirement that a victim of a bias-motivated crime was attacked because he/she was engaged in a specified federally-protected activity, such as serving on a jury or attending public school.
2. Current law, 18 U.S.C. Sec. 245, authorizes federal involvement only in those cases in which the victim was targeted because of race, color, religion, or national origin. The LLEHCPA would also authorize the Department of Justice to investigate and prosecute certain bias-motivated crimes based on the victim's actual or perceived sexual orientation, gender, gender identity, or disability. Current federal law does not provide authority for involvement in these four categories of cases at all.

RECENT ACTION

The Local Law Enforcement Hate Crime Prevention Act (H.R. 1913) has repeatedly received bipartisan majority support in both the House and the Senate since its original introduction in 1997. The House Judiciary Committee reported the bill on April 23 with minor changes.

In the last session of Congress, the House of Representatives approved H.R. 1592, the Local Law Enforcement Hate Crime Prevention Act, by a vote of [237-180](#) on May 3, 2007. Facing a [veto threat](#) from President Bush, the Senate added the text of S. 1105, the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act, as an amendment to the Department of Defense Authorization legislation on September 27. The key vote, [60-39](#), was on a motion to limit debate on the bill, as policy opponents tried to kill the measure through the use of a filibuster. The House version of the Department of Defense Authorization bill, H.R. 1585, had been approved on May 17, without hate crime provisions.

Unfortunately, the House-Senate Conference Committee meeting to reconcile differences did not include the hate crimes provisions in the final version of the bill.

LAW ENFORCEMENT SUPPORT

The measure also enjoys the support of President Obama, Attorney General Holder, more than 300 civil rights, professional, civic, educational, and religious groups, twenty-six state Attorneys General, former US Attorney General Dick Thornburgh, and virtually every major national law enforcement organizations in America, including:

- Federal Law Enforcement Officers Association
- Hispanic American Police Command Officers Association
- Hispanic National Law Enforcement Association
- International Association of Chiefs of Police
- International Brotherhood of Police Officers
- Major Cities Chiefs Association
- National Asian Peace Officers Association
- National Black Police Association
- National Center for Women & Policing
- National Coalition of Public Safety Officers
- National District Attorneys Association
- National Latino Police Officers Association
- National Organization of Black Law Enforcement Executives
- National Sheriffs' Association
- Police Executive Research Forum
- Police Foundation

TALKING POINTS FOR MEMBERS

- The federal government must have jurisdiction to address bias-motivated crimes in states in which current law is inadequate. Currently, only thirty one states and the District of Columbia include sexual orientation-based crimes in their hate crimes statutes; only twenty-six states and the District of Columbia, include coverage of gender-based crimes; only eleven states and the District of Columbia include coverage of gender-identity based crimes, and only thirty states and the District of Columbia include coverage for disability-based crimes. A chart of existing state hate crimes statutory provisions is available here: http://www.adl.org/combating_hate/
- This measure would give local law enforcement officials important tools to combat violent, bias-motivated crime. Federal support – through training or direct assistance – will help ensure that bias-motivated violence is effectively investigated and prosecuted. The legislation would also facilitate federal investigations and prosecutions when local authorities are unwilling or unable to achieve a just result.
- Passage of a federal law would increase public education and awareness, and encourage Americans to report hate crimes. The federal government must demonstrate its resolve to deal with violence based on prejudice.
- Bias-motivated crimes merit a priority response because of their special impact on the victims. These crimes – designed to intimidate whole communities on the basis of personal and immutable characteristics – can spark widespread neighborhood conflicts and damage the fabric of our society.
- State and local authorities investigate and prosecute the overwhelming majority of hate crime cases – and the federal government can be expected to continue to defer to state authorities under the LLEEA, as well. Since 1991, for example, the FBI has documented almost 130,000 hate crimes. During that period, however, the Justice Department has brought fewer than 200 cases under 18 U.S.C. Sec. 245.
- For more information see: www.unitedagainsthate.net and <http://www.fbi.gov/ucr/hc2007/incidents.htm>

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